

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of)	
1996)	
)	CC Docket No. 95-116
Telephone Number Portability)	

**COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA")¹ hereby submits its Comments on the *Third Order on Reconsideration* in CC Docket No. 99-200, *Third Further Notice of Proposed Rulemaking* in CC Docket 99-200, and *Second Further Notice of Proposed Rulemaking* in CC Docket No. 95-116.² In this phase of the FCC's Numbering Resource Optimization proceeding, CC Docket No. 99-200, and its separate number portability proceeding, CC Docket No. 95-116, the Commission reverses its "clarification" of the scope of the local number portability ("LNP") rules announced on

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See *Third Order on Reconsideration in CC Docket No. 99-200, Third Further Notice of Proposed Rulemaking in CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 95-116*, FCC 02-73 (rel. March 14, 2002) ("Further Notice").

December 28, 2001,³ and seeks further comment on extending LNP and thousands-block number pooling (“pooling”) requirements to all carriers within the largest 100 MSAs, regardless of whether they have received a specific request from another carrier to provide LNP. In addition, the Commission also seeks comment on its decision in the Numbering Resource Optimization Third Report and Order to extend its LNP and pooling mandates to areas combined in the 2000 U.S. Census into a “Consolidated MSA” (“CMSA”). CMSAs include and combine the populations of several MSAs, some of which would not otherwise be included as a largest MSA.

DISCUSSION

As the wireless industry aggressively works towards meeting the November 24, 2002, number mandate implementation deadline, the FCC should refrain from changes that add new markets and create new rules that expand its numbering mandates. The Commission’s proposals that are the subject of the *Further Notice* add more burdens to carriers’ compliance obligations and needlessly distract carriers who are focused on meeting the November 24, 2002, deadline. CTIA urges the FCC to not extend the LNP and pooling mandates beyond the original 1990 Census Top 100 MSA list. Additional markets can be added on a case-by-case basis to address number conservation requirements and bona fide carrier requests. Extending LNP to markets beyond those initially mandated is inappropriate and simply cannot be implemented between the date of the Commission’s final order and November 24, 2002. CTIA also objects to the Commission’s proposal to extend pooling requirements to carriers who may have licenses

³ Numbering Resource Optimization, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 99-200*, FCC 01-362, ¶ 125 (rel. Dec. 28, 2001) (*Numbering Resource Optimization Third Report and Order*).

within or partially within the Top 100 MSAs, but who have not received a bona fide request.

I. Number Portability

In paragraph 8 of the *Further Notice*, the Commission seeks comment on whether the claimed benefits to competition and numbering resource optimization warrant a reinstatement of the original LNP requirement for all local exchange carriers and covered CMRS carriers in the largest 100 MSAs. The Commission also seeks comment on whether certain small carriers that have switches either within the largest 100 MSAs or in areas adjoining the largest 100 MSAs, but provide service to no or few customers within the MSA, should be required to be LNP capable. CTIA believes that *all* such carriers should be exempt from the LNP requirement unless they receive a request for LNP. The Commission should conduct a cost-benefit analysis prior to requiring LNP for any carrier that serves only a small number of customers within a Top 100 MSA.

CMRS carriers with license areas or markets that partially include, or are adjacent to, a Top 100 MSA markets should not be required to incur the enormous expenses associated with LNP implementation absent a corresponding benefit to number utilization or competition. The FCC has never completed a cost benefit analysis for wireless LNP and therefore, should not extend the mandate. Given the technical and administrative complexity of wireless LNP, the Commission should not be proposing new parameters so close to the mandated deadline.

II. Number Pooling

In paragraph 9 of the *Further Notice*, the Commission seeks comment on whether all carriers within the largest 100 MSAs should be required to participate in thousands-

block number pooling, regardless of whether they are capable of providing LNP or whether they have received a request to provide LNP in a particular switch.

Although the Commission tentatively concludes that expanding the pooling requirement to all carriers (except paging carriers) without regard to whether they are required to provide number portability will promote further numbering resource optimization, CTIA opposes the extension of the pooling mandate to carriers that have not received a request to provide wireless LNP in a particular switch, and thus are not capable of supporting number pooling. Because of rules adopted for wireline carriers, number porting and pooling can be supported only within a wireline rate center. In some instances, there will only be a single carrier within a rate center, and thus there will be no benefit to either competition or number resource optimization arising from the imposition of a new mandate, but there will be unnecessary expense associated with complying with the Commission's rules. Even in rate centers where there is more than one carrier, number conservation benefits cannot be realized where there is only a minimal opportunity to pool numbers. The Commission should not impose new burdens where there are no corresponding benefits.⁴

III. Largest 100 MSAs

In the *Numbering Resource Optimization Third Report and Order*, the Commission "clarified" that the "largest 100 MSAs" include those MSAs identified in

⁴ The Commission also seeks comment on whether certain small carriers, or classes of carriers that utilize numbering resources, should be exempt from the pooling requirements. *Further Notice*, at ¶ 9. The Commission should conduct a cost-benefit analysis for all carriers, since the economic costs borne by consumers to recover the costs of needless mandates are not limited to only one size or category of carrier.

the *Number Resource Optimization First Report and Order*⁵ as well as any area included on any subsequent list of the largest 100 MSAs.⁶ As the Commission observes, the U.S. Census list for the year 2000 includes areas referred to as combined MSAs, or CMSAs. CMSAs include and combine the populations of several MSAs, some of which would not otherwise be included as a largest MSA.

In the *Further Notice*, the Commission states that it has focused on the largest MSAs, and not required carriers to provide LNP or to participate in pooling in less populous areas because the benefits of these mandates would not likely be realized in areas without sufficient competition. In paragraph 10 of the *Further Notice*, the Commission seeks comment on whether to require carriers outside of the largest MSAs to provide LNP and participate in thousands-block number pooling. CTIA believes that the Commission should not require wireless LNP in any MSA that was not included in the 1990 Census Data referenced in Appendix D to the *Number Resource Optimization First Report and Order*.

By adding the Consolidated MSAs from the 2000 Census Data to the original 100 Top MSAs from the 1990 Census Data in the *Numbering Resource Optimization Third Report and Order*, and then seeking this *Further Comment*, the FCC has caused significant confusion to wireless carriers, especially those who prior to the release of the *Third Report and Order* had absolutely no basis to begin planning to implement the Commission's numbering mandates. While CTIA cannot speak for the wireline industry,

⁵ Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200, 15 FCC Rcd 7574 at Appendix D (2000).

⁶ *Numbering Resource Optimization Third Report and Order* at ¶¶ 123-24.

the additional markets the Commission swept into its pooling and LNP mandates on December 28, 2001, created significant new compliance burdens on wireless carriers.

The Commission's expanded market list sweeps in wireless carriers and markets that had no reason to begin the provisioning process to support the pooling and porting mandates. The FCC caused further uncertainty by failing to confirm in the *Numbering Resource Optimization Third Report and Order* which market list was to be followed. It is impossible to determine, in some cases, which geographic areas fall under the wireless LNP mandate. Some small carriers now find themselves in receipt of requests from other wireless carriers to test their implementation of wireless LNP, and find themselves having to begin the provisioning process just seven months before the mandated implementation deadline.

The FCC should not apply the November 24th implementation deadline to carriers outside of the original Top 100 MSAs. Expansion of thousands-block number pooling where needed for number conservation and optimization can proceed on a case-by-case basis, but should not begin until after pooling has been implemented in all of the MSAs listed in the recently released FCC Pooling schedule. With respect to wireless LNP, carriers who serve markets outside of the original Top 100 MSAs were not included in the FCC's mandate prior to December 28, 2001, and not a single carrier had received a bona fide request triggering their obligation to support wireless LNP. In short, they had absolutely no reason to anticipate they would need to implement wireless LNP by the November 24, 2002, date, and thus are not prepared to meet the deadline. The FCC should not require wireless LNP in any MSA that was not included in the 1990 Census

Data. At a minimum, carriers in these markets should be granted additional time beyond the November 24, 2002, deadline to come into compliance.

CONCLUSION

The Commission should refrain from moving the goalposts and changing the rules as carriers struggle to implement the Commission's numbering mandates in the few months remaining before the November 24, 2002 deadline. Adding new markets, expanding mandates, and adopting and withdrawing rules, create new burdens without obvious benefits to either competition or number optimization. For the foregoing reasons, CTIA urges the Commission to act reasonably and not extend the pooling and wireless LNP mandates beyond the original 1990 Census Top 100 MSA list.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS
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